

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner hereby amends Chapter 310, "Sustainable Design Standards," Iowa Administrative Code.

Iowa Code section 103A.8B authorizes the Building Code Commissioner to adopt sustainable design standards for construction projects. These standards apply when triggered by another provision of law. During its 2009 session, the Iowa General Assembly authorized tax refunds to owners of certain data centers. One requirement to receive this tax refund is that the construction of the building or portion of the building which hosts the data center meets sustainable design standards established by the Building Code Commissioner. The energy usage requirements of data centers may bar these projects from meeting the general requirements established for approval of commercial construction projects. The amendments adopted herein provide alternative requirements for construction projects involving buildings or portions of buildings which will house data centers to be approved as sustainably designed.

Pursuant to Iowa Code section 17A.4(3), the Building Code Commissioner finds that notice and public participation are unnecessary because current sustainable design standards for commercial construction projects may be unattainable for data centers, and the addition of sustainable design standards specific to data centers adopted herein makes the rule less restrictive.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Building Code Commissioner further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2010. It is desirable that a specific sustainable design standard for data center projects be available as soon as possible. The development of such construction projects may be facilitated by the availability of these standards; the potential jobs and other economic activity which may result from such projects confers a significant benefit on the public.

These amendments are also proposed in a Notice of Intended Action and published herein as **ARC 8442B**. The Notice will provide an opportunity for public comment on the amendments, as well as for the Building Code Commissioner to consider possible refinement to them.

These amendments are intended to implement Iowa Code section 103A.8B.

These amendments became effective January 1, 2010.

The following amendments are adopted.

ITEM 1. Renumber subrule **310.5(4)** as **310.5(5)**.

ITEM 2. Adopt the following new subrule 310.5(4):

310.5(4) If a project involves the construction of a building or a portion of a building intended to host a data center or operations of a web portal business, it shall be approved as sustainably designed if the project receives certification from the United States Green Building Council in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, version 3.0, and complies with the requirements of ASHRAE 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, NE, Atlanta, GA 30329.

EXCEPTION: If a good-faith effort has been made to obtain certification in the LEED Green Building Rating System, version 3.0, and certification has not been obtained, application may nonetheless be made to the building code commissioner for approval as a sustainably designed project. The commissioner may approve the project as sustainably designed provided that:

1. The project is in full compliance with ASHRAE 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, NE, Atlanta, GA 30329, and

2. Demonstration is made to the satisfaction of the building code commissioner that a good-faith effort to achieve certification was made and that the project demonstrates an emphasis on energy conservation.

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